



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JIMMY RENNE GARCIA,
Petitioner,
vs.
R. GROUNDS, Acting Warden,
Respondent.

Case No. CV 10-2421-JFW (RNB)
ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation have been filed herein. Having made a de novo determination of those portions of the Report and Recommendation to which objections have been made, the Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that (1) petitioner's stay-and-abeyance request is denied; and (2) Judgment be entered denying the Petition and dismissing this action without prejudice for failure to exhaust state remedies unless petitioner, within thirty (30) days of this Order, either voluntarily dismisses the Petition without prejudice or files a notice of withdrawal of Subclaim B.

DATED: 11/10/10

JOHN F. WALTER
UNITED STATES DISTRICT JUDGE